



## ADMINISTRATIVE REPORT

Report Date: March 4, 2014  
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VanRIMS No.: 08-2000-20  
Meeting Date: April 2, 2014

TO: Standing Committee on Planning, Transportation and Environment  
FROM: Deputy Chief Licence Inspector  
SUBJECT: 639 Commercial Drive - The Vancouver East Cultural Centre Society  
Liquor Primary Liquor Licence Application  
Liquor Establishment Class 4 - York Theatre - Live Performance Venue

### *RECOMMENDATION*

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notifications, site sign, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by The Vancouver East Cultural Centre Society (York Theatre) for a 478 person Liquor Primary liquor licence (Liquor Establishment Class 4 - Live Performance Venue) at 639 Commercial Drive subject to:

- i. A maximum combined capacity of 478 person (372 seat theatre with a 73 person lobby area on ground floor and a 33 person mezzanine on the second floor);
- ii. Hours of operation limited to 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday;
- iii. Liquor service is event driven and only permitted in conjunction with pre-booked events;
- iv. A Time-limited Development Permit;
- v. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements; and
- vi. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

### *REPORT SUMMARY*

The Vancouver East Cultural Centre Society (York Theatre) is requesting a Council resolution endorsing their application for a 478 person (Liquor Establishment Class 4 - Live Performance Venue) Liquor Primary liquor licence located at 639 Commercial Drive.

The newly renovated York Theatre and formerly called the Raja Theatre, is a live performing arts space operated by the Vancouver East Cultural Centre Society. The theatre has been in existence since 1913 and was operated as theatre or cinema until 2000 when it closed. On June 16, 2009, Council added the building to the Vancouver Heritage Register in the "C" evaluation category. The space will be used for presentations of live music, dance and theatre productions, film and broadcast. As part of the theatre operations, they are planning to operate a bar/concession service within the lobby area.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

*City role in liquor licence applications* - The Liquor Control and Licensing Branch of the Provincial Government has the mandate to approve liquor license applications. Their regulations require local governments to provide a Council resolution on any liquor primary licence application unless the local government decides to opt out of the application review process. Council policy has been to provide comments on these applications.

*Hours of service* - policy for this Non-Downtown Primarily Residential area are standard hours of liquor service:

- 11 am to 12 am, Sunday to Thursday
- 11 am to 1 am, Friday and Saturday

*Size and location of new establishments* (Council July 14, 2005) - Council Policy states that no Class 4 venue shall be located within 500 meters of another Class 4 venue.

*Live Performance Venues* (Council February 3, 2011) - Council received for information an update on the Live Performance Venues Regulatory Review as outlined in the Administrative Report dated January 18, 2011, entitled "Cultural Services Regulatory Review for Live Performance Venues: Phase I".

*Approval process/requirements* - Council policy requires new Liquor Primary liquor licences to be subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

### ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

The General Manager of Community Services recommends approval of the foregoing.

### ***REPORT***

#### ***Background/Context***

The City's liquor policy review has been delayed until the Liquor Control and Licensing Branch have implemented their recommended changes under their Liquor Policy Review. While that work is going on, specific applications are being carefully reviewed to ensure compliance with existing policies and to ensure neighbourhood compatibility.

The applicant (The Vancouver East Cultural Centre Society) is requesting a Council resolution endorsing their application for a 478 person Liquor Primary liquor licence (Liquor Establishment Class 4 - Live Performance Venue) with standard hours of operation between 11

am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday. This will be an event driven liquor licence which is restricted to live performance, film or broadcast. Liquor service will be an amenity to patrons attending an event.

The York Theatre is a live performing arts space operated by The Vancouver East Cultural Centre Society. The theatre will be used for presentations of live music, dance and theatre productions, and film screenings. As part of the theatre operations, the applicant is planning to operate a bar/concession service within the lobby area. The York Theatre is seen as a valuable cultural resource both for its historic significance to the cultural community and its anticipated future role in the City's cultural landscape. The restoration has resulted in the creation of one of the premier spaces in the City and also filling a void in the City's cultural space ecology (refer Appendix B).

Minors are not generally permitted in a liquor primary establishment. However, the Liquor Control and Licensing Regulation permits minors in concert halls, convention centres, stadiums, trains, aircraft and motor vessels when allowed by the General Manager of Liquor Control and Licensing Branch. As the proposed establishment is a performing arts theatre, the Liquor Control and Licensing Branch will consider allowing minors in this establishment.

### *Strategic Analysis*

Staff support the proposed application based on the following analysis.

### *Council Policy*

On February 3, 2011, Council received for information an update on the Live Performance Venues Regulatory Review as outlined in the Administrative Report dated January 18, 2011, entitled "Cultural Services Regulatory Review for Live Performance Venues: Phase I". This application meets Council policy for live performance venues and the direction the city is headed with respect to providing more live performance venues.

### *Results of the Neighbourhood Notification*

A neighbourhood notification advising of the application for a 776 person Liquor Primary liquor establishment (the Fire Department has now determined that the maximum occupant load for this space is 478 persons - the Fire Department had not confirmed the occupant load when the original notification was conducted) was conducted by circulating approximately 400 notices in the survey area (refer to Appendix A). A site sign was erected advising the community of the application and where to send concerns or comments. Staff allowed three weeks for the community to respond with concerns or support for the application. A total of three responses were received in response to the application. One in support of the application and two were opposed to the application.

One of the respondents opposing the application expressed concerns with the theatre catering to the population who can afford to attend performances and not the lower income population which resides in this neighbourhood. The other concern was that there are enough liquor establishments in the area.

### *Location of Establishment*

The subject site is zoned CD-1 (Bylaw #514) and the building is approved as a theatre. For the purposes of liquor policy, it is considered to be located in the Non-Downtown Primarily Residential area. The surrounding area is made up of a mixture of residential, restaurant, park, church and adult day centre uses (refer to Appendix A).

### *Proximity to other social or recreational facilities and to other Liquor Primary Establishments*

There are no social or recreational facilities in the immediate area that would create a potential conflict with the proposal for liquor primary seats.

There are no Liquor Establishment Class 4's located within 500 meters of the subject site therefore, this application meets Council Policy for distancing requirements.

### *Person Capacity and Hours of Operation*

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 478 persons (372 seat theatre with a 73 person lobby area on ground floor and a 33 person mezzanine on the second floor) on February 7, 2014.

The hours of operation requested for the Liquor Primary liquor licence are 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday which are within the parameters of the Standard Hours permitted in the Non-Downtown Primarily Residential Area. The Liquor Control and Licensing Branch restricts liquor service in theatres to one hour before, during and one hour after a film, broadcast or live event.

### *Noise*

Staff have considered the impact for noise on the community and have no concerns at this time. An acoustical report certifying that the establishment meets Noise Control By-law requirements will be required and this should mitigate negative impacts due to noise.

### *Impact on the Community*

Staff is generally in support of liquor licenses in theatre type venues. The Vogue Theatre, The Rio, Orpheum Annex and The Cultch's liquor licences allow liquor service in the seating area as well as in the lobby area in conjunction with performances.

The applicant currently operates The Cultch which holds a liquor licence. The applicant's track record shows that they are strong advocates for "live performance". A time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

The Police Department has reviewed the application and have no concerns with this application. The Cultural Services Department also supports this application.

Furthermore, this application complies with Council's liquor policy for Venue Size and Hours of Liquor Service and Council's policy to support live performance venues.

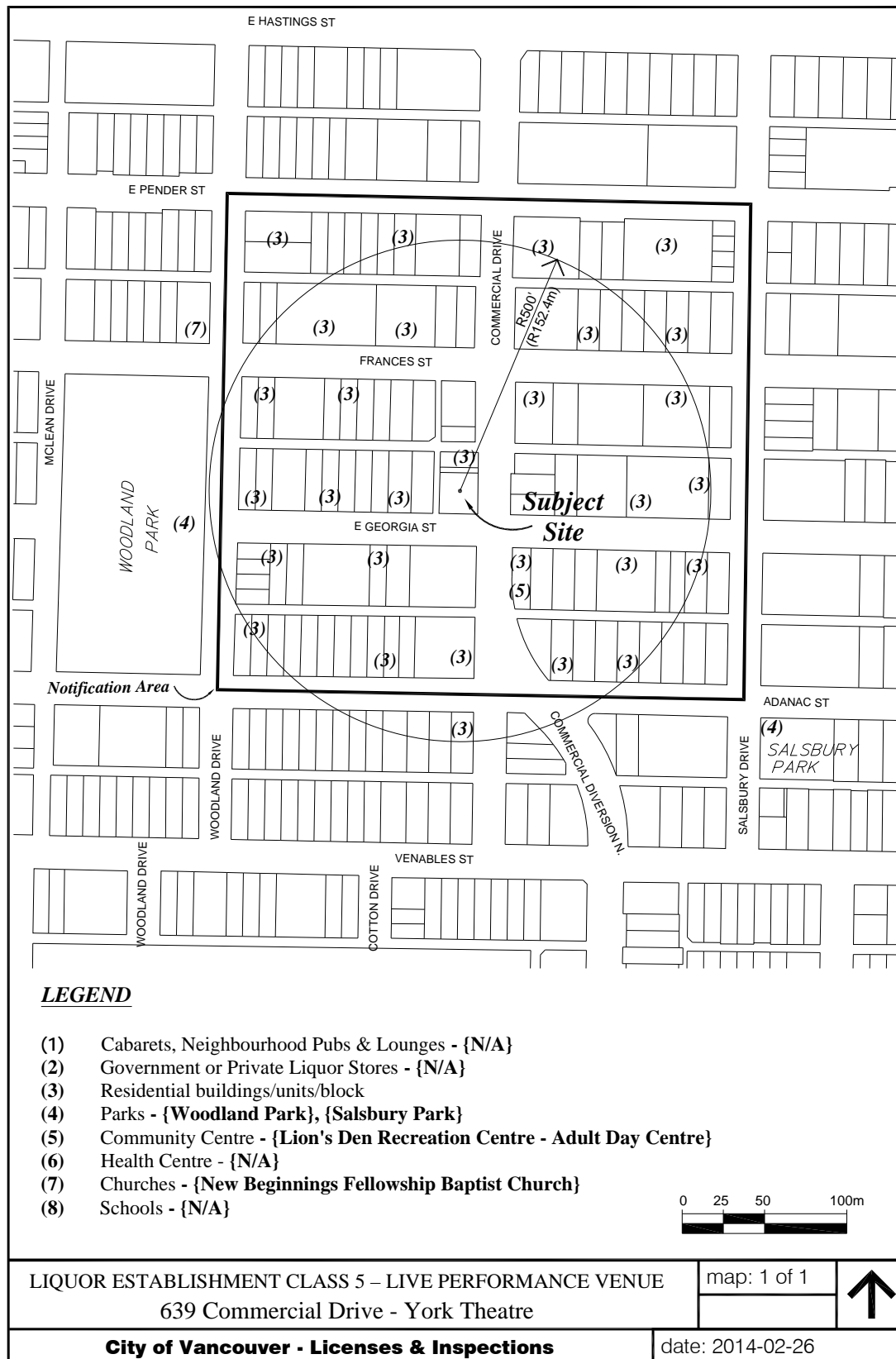
*Implications/Related Issues/Risk (if applicable)**Financial*

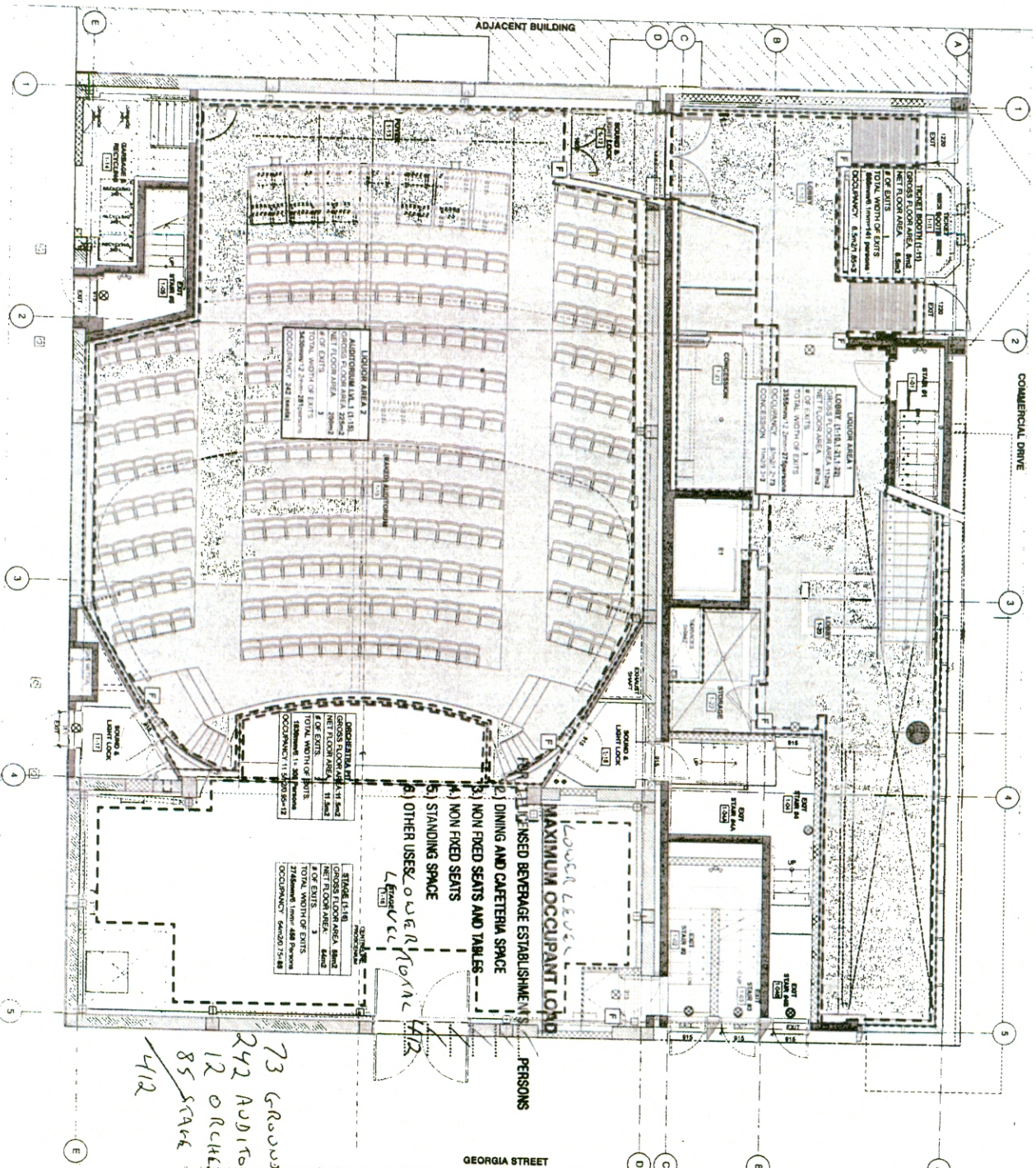
There are no financial implications.

*CONCLUSION*

Staff recommend Council endorse the applicant's request for a Liquor Primary liquor licence for their live performance venue, subject to the conditions noted in this report. Staff's experience generally shows that liquor service in these venues is an amenity for patrons and not the primary focus of the business. As a result, staff receive few issues/complaints from community residents. The liquor licence will provide revenue to support the theatre function and arts program. The application meets current Council policy regarding live performance venues. The Vancouver East Cultural Society's commitment to supporting arts and cultural programs is of benefit along with providing their venue to local artists. The new York Theatre is an important cultural venue in the city and we welcome and encourage its preservation and ongoing cultural use.

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LIQUOR AREA 2  
GROSS FLOOR AREA 2296 sq ft  
NET FLOOR AREA 1796 sq ft  
TOTAL WIDTH OF EXITS 3  
OCCUPANCY 288 Persons

LIQUOR AREA 1  
GROSS FLOOR AREA 1796 sq ft  
NET FLOOR AREA 1396 sq ft  
TOTAL WIDTH OF EXITS 3  
OCCUPANCY 288 Persons

LIQUOR AREA 3  
GROSS FLOOR AREA 1796 sq ft  
NET FLOOR AREA 1396 sq ft  
TOTAL WIDTH OF EXITS 3  
OCCUPANCY 288 Persons

STAGE AREA  
GROSS FLOOR AREA 1196 sq ft  
NET FLOOR AREA 1196 sq ft  
TOTAL WIDTH OF EXITS 3  
OCCUPANCY 119 Persons

MAXIMUM OCCUPANT LOAD  
PERSONS  
1) DINING AND CATERING SPACE  
2) NON FIXED SEATS AND TABLES  
3) NON FIXED SEATS  
4) STANDING SPACE  
5) OTHER USES OVER OCCUPANCY

73 GROSS LOBBY LIQUOR AREA  
242 ADDITIONAL LIQUOR AREA  
12 ORCHESTRA DOOR AREA  
85 STAIR  
412  
NO LIQUOR

**KEY**

- Controlled Access
- Exit
- Exit Sign
- Exit Sign Self Powered
- Emergency Lighting
- Fire Alarm Device
- Fire Alarm Control Panel
- Fire Alarm Control Panel

**OCCUPANCY LOAD**

- LIQUOR AREA 1
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- LIQUOR AREA 3
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FEB 07 2011  
A1.06  
LIQUOR  
GROUND FLOOR PLAN

YORK THEATRE  
LIQUOR  
GROUND FLOOR PLAN

YORK THEATRE  
LIQUOR  
GROUND FLOOR PLAN

